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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/642,898

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Binh T. Nguyen

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04/02/2009

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EXAMINER

NGUYEN, BINH AN DUC

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

04/02/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/642,898	Applicant(s) NGUYEN ET AL.	
	Examiner Binh-An D. Nguyen	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27,30-38 and 42-51 is/are pending in the application.
- 4a) Of the above claim(s) 1-25,30,32-35,38 and 42-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26,27,31,36 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/4/09;3/11/09</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Request for Continued Examination filed February 4, 2009 has been approved. Therefore, the Amendment filed December 31, 2008 is hereby considered. Further, the Information Disclosure Statements filed February 4, 2009 and March 11, 2009, respectively, have been received.

According to the Amendment, claims 26 and 36 have been amended; and claims 28, 29, and 39-41 have been canceled.

Currently, claims 1-27, 30-38, and 42-51 are pending in the application, wherein claims 1-25, 30, 32-35, 38, and 42-51 have been previously withdrawn due to non-elected invention.

Claims 26, 27, 31, 36, and 37 are hereby examined on merit. Acknowledgment has been made.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26, 27, 31, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guinn et al. (6,039,648) in view of Graves et al. (5,830,067).

Referring to claims 26, Guinn et al. teaches a gaming method, comprising:
designating a gaming tournament time of a gaming tournament, the gaming tournament time having a start time and an end time (1:48-2:5);

receiving enrollment data from a plurality of first players at respective player computers (2:29-67); enabling each of the player computers for playing at least one game in the gaming tournament during the gaming tournament time (3:59-4:54);

receiving enrollment data from a second player; and if the first winning player is determined, generating data indicative of a first value payout to be awarded to the first winning player (5:14-6:30).

Guinn et al. does not explicitly teach receiving enrollment data from a second player including authorization data indicative of the second player authorizing a software agent to play games in the gaming tournament on behalf of the second player, the software agent to be executed by a proxy computer; enabling the software agent to play at least one game via the proxy computer during the gaming tournament time; configuring a game playing behavior of the software agent to allow the second player to select game playing behavior corresponding to categories of particular predetermined skill levels; determining a first winning player, if any, from the plurality of first players and the second player based on outcomes of the games played by the plurality of first players and the software agent; and if the first winning player is determined, generating data indicative of a first value payout to be awarded to the first winning player.

Graves et al., however, teaches a proxy player machine a method wherein software agent is authorized to play games on behalf of the player, the software agent

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to be executed by a proxy computer (2:18-66); enabling the software agent to play at least one game via the proxy computer during the game session (2:67-3:25);

determining a first winning player, if any, from the plurality of first players and the second player based on outcomes of the games played by the plurality of first players and the software agent; and if the first winning player is determined, generating data indicative of a first value payout to be awarded to the first winning player (5:49-6:2).

Regarding the amended limitation of configuring a game playing behavior of the software agent to allow the second player to select game playing behavior corresponding to categories of particular predetermined skill levels, this limitation is met by Graves et al.'s teaching that the client player setting his preference when he first starts using the proxy service, i.e., the computer query the client as to his preference of how he wants to make any necessary strategic decision (4:63-5:21). Graves et al. further teaches the client being prompted to answer questions regarding the criteria he wants the proxy player machine to use in automatically making dynamic strategic game play decision on his behalf (6:53-7:30).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Graves et al.'s proxy players to the tournament game of Guinn et al. to allow game players to engage in multiple games with different playing options the same time that increase gaming excitements and participations thus bring forth more revenue to the casino.

Referring to claim 27, the limitations of determining a second winning player, if any, from the plurality of first players and the second player based on outcomes of the games played by the plurality of first players and the software agent; and if the second winning player is determined, generating data indicative of a second value payout to be awarded to the second winning player are inherent from the game tournament of Guinn et al. wherein the game winning results played by plurality of player are being determined.

Referring to claims 31, 36, and 37, Graves et al. further teaches configuring the game playing behavior of the software agent includes prompting the second player to answer a questionnaire (6:55-61);

analyzing game playing behavior of the second player to generate behavior parameters (6:47-57); wherein configuring the game playing behavior of the software agent includes configuring the software agent to play according to the generated behavior parameters (2:60-3:13);

and analyzing game playing behavior of the second player includes analyzing actions of the second player during game play (3:7-12; 6:55-65).

Response to Arguments

Applicant's arguments with respect to claims 26, 27, 31, 36, and 37 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendment.

Applicant argued that Guinn or Graves does not teach the amended limitation of configuring a game playing behavior of the software agent to allow the second player to select game playing behavior corresponding to categories of particular predetermined skill levels (applicant's remarks, page 15, last paragraph bridging page 16) is deemed not to be persuasive, this limitation is met by Graves et al.'s teaching that the client player setting his preference when he first starts using the proxy service, i.e., the computer query the client as to his preference of how he wants to make any necessary strategic decision (4:63-5:21); and further, the client being prompted to answer questions regarding the criteria he wants the proxy player machine to use in automatically making dynamic strategic game play decision on his behalf (6:53-7:30).

Thus, the teaching of Guinn et al. in view of Graves et al. as being addressed above, therefore, made obvious applicant's claimed invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art
Unit 3714

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